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Attorneys for Plaintiff,  
CASUN INVEST, A.G. and Third-Party  
Defendant, HANS-PETER WILD

**UNITED STATES DISTRICT COURT**

**DISTRICT OF NEVADA**

\* \* \*

CASUN INVEST, A.G., a Swiss corporation,  
Plaintiff,

vs.

MICHAEL H. PONDER, an individual;  
LEZLIE GUNN, an individual; and NVWS  
PROPERTIES LLC, a Nevada limited liability  
company,

Defendants.

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LEZLIE GUNN, an individual,

Third-Party Plaintiff,

vs.

HANS-PETER WILD, an individual,

Third-Party Defendant.

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CASE NO.: 2:16-cv-02925-JCM-GWF

**AMENDED ORDER APPOINTING  
COMMISSION TO REQUEST  
DEPOSITION PURSUANT TO  
ARTICLE 17 OF THE HAGUE  
CONVENTION OF 18 MARCH 1970  
ON THE TAKING OF EVIDENCE  
ABROAD IN CIVIL OR  
COMMERCIAL MATTERS**

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**AMENDED ORDER APPOINTING COMMISSION TO REQUEST DEPOSITION  
PURSUANT TO ARTICLE 17 OF THE HAGUE CONVENTION OF 18 MARCH 1970  
ON THE TAKING OF EVIDENCE ABROAD IN CIVIL OR COMMERCIAL MATTERS**

TO: Mr. Aaron R. Maurice Kolesar & Leatham 400 S. Rampart Blvd., Suite 400 Las Vegas, Nevada 89135	Mr. Jason R. Maier Maier Gutierrez & Associates 8816 Spanish Ridge Ave. Las Vegas, Nevada 89148
Dr. jur. Georg Naegeli Homburger AG Prime Tower Hardstrasse 201 CH-8005 Zurich	Mr. Joseph A. Gutierrez Maier Gutierrez & Associates 8816 Spanish Ridge Ave. Las Vegas, Nevada 89148
Dr. jur. Roman Baechler Homburger AG Prime Tower Hardstrasse 201 CH-8005 Zurich	Mr. Philip M. Hymanson Hymanson & Hymanson 8816 Spanish Ridge Ave. Las Vegas, Nevada 89148
	Mr. Henry J. Hymanson Hymanson & Hymanson 8816 Spanish Ridge Ave. Las Vegas, Nevada 89148

You have been duly appointed as commissioners and are hereby authorized, pursuant to Article 17 of the Hague Convention of 18 March 1970 on the Taking of Evidence Abroad in Civil or Commercial Matters, to request that Dr. Hans-Peter Wild voluntarily appear for a deposition in Zug, Switzerland related to above-referenced matter. You are further authorized to administer Dr. Wild's deposition in accordance with the United States Federal Rules of Civil Procedure or, in the alternative, in such manner as provided by local law for the taking of evidence.

Date: February 1, 2019



The Honorable GEORGE W. FOLEY, JR.  
UNITED STATES MAGISTRATE JUDGE,  
UNITED STATES DISTRICT COURT,  
DISTRICT OF NEVADA

**KOLESAR & LEATHAM**  
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## **EXHIBIT 2**

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Attorneys for Plaintiff,  
CASUN INVEST, A.G. and Third-Party  
Defendant, HANS-PETER WILD

**UNITED STATES DISTRICT COURT**  
**DISTRICT OF NEVADA**

\* \* \*

CASUN INVEST, A.G., a Swiss corporation,  
  
Plaintiff,

vs.

MICHAEL H. PONDER, an individual;  
LEZLIE GUNN, an individual; and NVWS  
PROPERTIES LLC, a Nevada limited liability  
company,

Defendants.

---

LEZLIE GUNN, an individual,

Third-Party Plaintiff,

vs.

HANS-PETER WILD, an individual,

Third-Party Defendant.

---

CASE NO.: 2:16-cv-02925-JCM-GWF

**AMENDED REQUEST FOR  
INTERNATIONAL JUDICIAL  
ASSISTANCE PURSUANT TO THE  
HAGUE CONVENTION OF 18  
MARCH 1970 ON THE TAKING OF  
EVIDENCE ABROAD IN CIVIL OR  
COMMERCIAL MATTERS**

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**AMENDED REQUEST FOR INTERNATIONAL JUDICIAL ASSISTANCE PURSUANT  
 TO THE HAGUE CONVENTION OF 18 MARCH 1970 ON THE TAKING OF  
 EVIDENCE ABROAD IN CIVIL OR COMMERCIAL MATTERS**

The United States District Court, District of Nevada ("the Court"), presents its compliments to the High Court and the Cantonal Court of Zug under the Hague Convention on the Taking of Evidence Abroad in Civil of Commercial Matters ("Hague Evidence Convention") and, pursuant to Article 17 of the Hague Evidence Convention, requests international judicial assistance to obtain evidence to be used in a civil proceeding before this Court in the above-captioned matter. This Court respectfully requests that the High Court of Zug forward this request to the Cantonal Court of Zug, that the latter recognize this Amended Letter of Request from this Court and accompanying Commission, and that the Federal Department of Justice and Police authorizes the taking of evidence in the territory of Switzerland by the commissioners appointed for this purpose as developed below, in adherence to Article 17 of the Hague Evidence Convention and in the interest of comity.<sup>1</sup>

**A. *Sender***

Office of the Clerk  
 United States District Court for the District of Nevada  
 Lloyd D. George Federal Courthouse  
 333 Las Vegas Boulevard South  
 Las Vegas, Nevada 89101  
 T: (702) 464-5400

**B. *Central Authority of the Requested State***

Obergericht Zug  
 Rechtshilfe  
 Kirchenstrasse 6  
 Postfach 760  
 CH-6301 Zug  
 T: +41 41 723 62 20  
 F: +41 41 723 62 30

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<sup>1</sup> Pursuant to Article 4 of the Hague Convention, this Amended Letter of Request will be provided to the High Court of Zug with a German translation.

**C. *Person to Whom the Authorized Commission is to be Returned***

Aaron R. Maurice, Esq.  
Kolesar & Leatham  
400 South Rampart Boulevard, Suite 400  
Las Vegas, Nevada 89145  
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F: (702) 362-9472

**D. *Purpose of Evidence Sought and Requested Date of Receipt of the Response to the Amended Letter of Request***

The requested commission will permit the collection of evidence to be used by the parties to support their claims and defenses in the above-captioned case. Dr. Hans-Peter Wild has indicated that he is willing to voluntarily appear for his deposition in Zug, Switzerland on March 20 and 21, 2019. Accordingly, the Court requests a prompt response to this Amended Letter of Request.

**I. HAGUE EVIDENCE CONVENTION REQUIREMENTS**

This Court requests the assistance more specifically described herein as necessary in the interests of justice. In conformity with Article 3 of the Hague Evidence Convention, the undersigned applicant has the honor to submit the following request:

**A. *Requesting Judicial Authority***

Office of the Clerk  
United States District Court for the District of Nevada  
Lloyd D. George Federal Courthouse  
333 Las Vegas Boulevard South  
Las Vegas, Nevada 89101  
T: (702) 464-5400

**B. *Central Authority of the Requested State***

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C. *Name of the Case and Identifying Number*

*Casun Invest, A.G. v. Ponder*, Civil Case No. 2:16-CV-02925-JCM-GWF

D. *Names and Addresses of the Parties and their Representatives*

1. Plaintiff

Casun Invest, A.G.  
Dammstrasse 19  
CH-6300 Zug  
[hrwild@schweigerlaw.ch](mailto:hrwild@schweigerlaw.ch)

2. Plaintiff's Representatives

Aaron R. Maurice, Esq.  
Brittany Wood, Esq.  
Kolesar & Leatham  
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Las Vegas, Nevada 89145  
[amaurice@klnevada.com](mailto:amaurice@klnevada.com)  
[bwood@klnevada.com](mailto:bwood@klnevada.com)  
T: (702) 362-7800  
F: (702) 362-9472

3. Defendants

Michael H. Ponder  
4045 South Buffalo Drive, #A101-283  
Las Vegas, Nevada 89147  
[mikehponder@yahoo.com](mailto:mikehponder@yahoo.com)

Lezlie Gunn  
4045 South Buffalo Drive, #A101-171  
Las Vegas, Nevada 89147  
[lezlieusa@yahoo.com](mailto:lezlieusa@yahoo.com)

NVWS Properties LLC  
701 S. Carson Street, Suite 200  
Carson City, Nevada 89701  
[lezlieusa@yahoo.com](mailto:lezlieusa@yahoo.com)

4. Defendants' Representatives

Philip M. Hymanson, Esq.  
Henry J. Hymanson, Esq.  
Hymanson & Hymanson  
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 Jason R. Maier, Esq.  
 Joseph A. Gutierrez, Esq.  
 Maier Gutierrez & Associates  
 8816 Spanish Ridge Ave.  
 Las Vegas, Nevada 89148  
[jrm@mgalaw.com](mailto:jrm@mgalaw.com)  
[jag@mgalaw.com](mailto:jag@mgalaw.com)  
 T: (702) 629-7900  
 F: (702) 629-7925

C. Robert Peterson  
 Durrant Peterson  
 1125 S. Eastern Ave. #120  
 Henderson, NV 89052  
[bpeterson@durrantpeterson.com](mailto:bpeterson@durrantpeterson.com)  
 T: (702) 430-7888  
 F: (702) 430-9993

5. Third-Party Plaintiff

Lezlie Gunn  
 4045 South Buffalo Drive, #A101-171  
 Las Vegas, Nevada 89147  
[lezieusa@yahoo.com](mailto:lezieusa@yahoo.com)

6. Third-Party Plaintiff's Representatives

Philip M. Hymanson, Esq.  
 Henry J. Hymanson, Esq.  
 Hymanson & Hymanson  
 8816 Spanish Ridge Avenue  
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 Joseph A. Gutierrez, Esq.  
 Maier Gutierrez & Associates  
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7. Third-Party Defendant

Dr. Hans-Peter Wild  
 Kirchenstrasse 4  
 CH-6300 Zug  
[wild@hpwh.ch](mailto:wild@hpwh.ch)

8. Third-Party Defendant's Representatives

Aaron R. Maurice, Esq.  
 Brittany Wood, Esq.  
 Kolesar & Leatham  
 400 S. Rampart Boulevard, Suite 400  
 Las Vegas, Nevada 89145  
[amaurice@klnevada.com](mailto:amaurice@klnevada.com)  
[bwood@klnevada.com](mailto:bwood@klnevada.com)  
 T: (702) 362-7800  
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Dr. jur. Georg Naegeli  
 Dr. jur. Roman Baechler  
 Homburger AG  
 Prime Tower  
 Hardstrasse 201  
 CH-8005 Zurich  
[georg.naegeli@homburger.ch](mailto:georg.naegeli@homburger.ch)  
[roman.baechler@homburger.ch](mailto:roman.baechler@homburger.ch)  
 T: +41 43 222 10 00  
 F: +41 43 222 15 00

***E. Nature of the Proceedings and Summary of the Case and Relevant Facts***

The above-captioned case is a civil lawsuit brought by Plaintiff Casun Invest, A.G. ("Casun") against Defendants seeking money damages and equitable relief resulting from the alleged fraudulent conveyance of a piece of real property. The Plaintiff's Complaint alleges the following causes of action against the Defendants: (1) constructive trust; (2) equitable lien; (3) unjust enrichment; (4) breach of fiduciary duty; (5) aiding and abetting breach of fiduciary duty; (6) constructive fraud; and (6) civil conspiracy.

The Complaint alleges that in April of 2013, Defendant Michael H. Ponder ("Ponder"), a Direktor of Plaintiff, executed a Grant Deed that conveyed real property in Woodside, California ("Woodside Property") to Defendant NVWS Properties LLC ("NVWS") (an entity owned and controlled by Defendant Lezlie Gunn ("Gunn")) without obtaining the approval of Casun's Board

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1 of Directors. The Grant Deed contained information indicating that the Woodside Property was  
2 sold for \$1,500,000 (an amount alleged by Plaintiff to be far below the property's fair market  
3 value). Plaintiff further alleges no sales proceeds were ever remitted by Mr. Ponder to Casun in  
4 connection with the purported sale.

5 The Defendants assert that Dr. Wild, as the 98% majority shareholder of Plaintiff, set the  
6 purchase price and authorized Mr. Ponder to sell the Woodside Property, and further that all  
7 monies were paid per the terms of the sale (Ms. Gunn alleges that she provided jewelry to Dr. Wild  
8 as consideration for the Woodside Property). Plaintiff points out that Dr. Wild was neither an  
9 officer nor Direktor of Casun.

10 Ms. Gunn has filed a Third-Party Complaint against Dr. Wild alleging that Dr. Wild is  
11 contractually obligated to indemnify Ms. Gunn, and more specifically that on April 22, 2015, Dr.  
12 Wild executed an Indemnification Agreement whereby he agreed to indemnify and hold Ms. Gunn  
13 harmless from any claims, actions, suits, and/or legal proceedings brought by any person, entity  
14 or government entity. Ms. Gunn alleges that Dr. Wild executed this Indemnification Agreement in  
15 anticipation of Ms. Gunn executing a Release and Settlement Agreement whereby she would  
16 execute a similar indemnification agreement in favor of Dr. Wild's two sons. Dr. Wild has been  
17 unable to locate any Indemnification Agreement executed by Ms. Gunn in favor of his sons.

18 Dr. Wild defends against the Third-Party Complaint by pointing out that the indemnity  
19 agreement relied upon by Ms. Gunn, by its plain terms, only applies to claims that relate to items  
20 that Ms. Gunn received or will receive from Dr. Wild and/or his estate and, under Nevada law, an  
21 indemnification agreement only indemnifies an indemnitee as to the legal consequences of his/her  
22 negligent or intentional acts if the indemnification agreement explicitly provides as such. Ms.  
23 Gunn disagrees with Dr. Wild's position.

24 The parties are currently engaged in discovery, where the parties exchange information  
25 concerning their claims and defenses. The Court accordingly has not addressed the merits of the  
26 allegations made in the case.

27 The parties contend that the information sought by this request is available to the High  
28

1 Court of Zug. This Court respectfully requests that the High Court of Zug act on this request  
2 expeditiously.

3 **F. *Evidence to be Obtained***

4 Dr. Wild's testimony is relevant to the claims, defenses and third-party claims asserted in  
5 the above-captioned case. Accordingly, this Court respectfully requests that the High Court of  
6 Zug recognize the attached Amended Commission, so that the appointed commissioners may  
7 lawfully obtain testimony from Dr. Wild, who resides at Kirchenstrasse 4, CH-6300 Zug, on the  
8 following topics:

- 9 1. Dr. Wild's relationship with Ms. Gunn;
- 10 2. Dr. Wild's knowledge regarding Ms. Gunn's background;
- 11 3. Dr. Wild's conversations and/or communications with Ms. Gunn;
- 12 4. Dr. Wild's involvement with Casun;
- 13 5. Dr. Wild's knowledge regarding the ownership of Casun;
- 14 6. Dr. Wild's knowledge (if any) regarding the management of Casun;
- 15 7. Dr. Wild's knowledge (if any) regarding Casun's acquisition of the Woodside  
16 Property;
- 17 8. Dr. Wild's knowledge regarding the Woodside Property;
- 18 9. Dr. Wild's knowledge regarding his visits to the Woodside Property;
- 19 10. Dr. Wild's knowledge regarding documents pertaining to or referencing the  
20 Woodside Property;
- 21 11. Dr. Wild's knowledge regarding loans pertaining to the Woodside Property;
- 22 12. Dr. Wild's knowledge regarding the sale/conveyance of Casun's interest in the  
23 Woodside Property to NVWS;
- 24 13. Dr. Wild's discussions with Ms. Gunn and/or Mr. Ponder regarding the  
25 sale/conveyance of Casun's interest in the Woodside Property to NVWS;
- 26 14. Dr. Wild's knowledge regarding Casun's acquisition of any properties or assets;
- 27 15. Dr. Wild's knowledge regarding Casun's operations;
- 28

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16. Dr. Wild's knowledge regarding the purpose of Casun;
17. Dr. Wild's knowledge regarding the finances or financial transactions of Casun;
18. The litigation between Calvin Gunn, Casun, Dr. Wild, Ms. Gunn and Ronald Richard Simpson regarding the Woodside Property;
19. Dr. Wild's knowledge (if any) regarding the preparation of the Grant Deed purporting to convey Casun's interest in the Woodside Property to NVWS;
20. Dr. Wild's knowledge (if any) regarding Mr. Ponder's execution and delivery of the Grant Deed purporting to convey Casun's interest in the Woodside Property to NVWS ("Woodside Conveyance");
21. Dr. Wild's knowledge (if any) regarding the recording of the Grant Deed on April 25, 2013, in the Official Records of the County of San Mateo, California, as Instrument No. 2013-062730 ("Deed");
22. Dr. Wild's knowledge regarding Stephanie Mückenmüller's role as his private secretary and/or Mr. Ponder's assistant;
23. Dr. Wild's knowledge (if any) regarding Ms. Gunn's claim that she provided consideration in connection with the Woodside Conveyance;
24. Dr. Wild's knowledge (if any) regarding the documents produced by Ms. Gunn to support her claim regarding the consideration allegedly provided in connection with the Woodside Conveyance;
25. Dr. Wild's relationship with Mr. Ponder;
26. Dr. Wild's knowledge regarding Mr. Ponder's background;
27. Dr. Wild's opinion of Ms. Gunn's character for truthfulness;
28. Dr. Wild's knowledge regarding Ms. Gunn's reputation for truthfulness;
29. Dr. Wild's knowledge regarding specific instances in which Ms. Gunn has been truthful or untruthful;
30. Dr. Wild's opinion of Mr. Ponder's character for truthfulness;

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- 1 31. Dr. Wild's knowledge regarding specific instances in which Mr. Ponder has been
- 2 truthful or untruthful;
- 3 32. Dr. Wild's knowledge regarding his own background;
- 4 33. Dr. Wild's knowledge regarding his own education;
- 5 34. Dr. Wild's knowledge regarding his own employment history;
- 6 35. Dr. Wild's opinion of his own character for truthfulness;
- 7 36. Dr. Wild's knowledge regarding his own reputation for truthfulness;
- 8 37. Dr. Wild's knowledge regarding specific instances in which he has been truthful or
- 9 untruthful;
- 10 38. The Complaint filed by Casun in United States District Court, District of Nevada,
- 11 on December 16, 2016, against Mr. Ponder, Ms. Gunn and NVWS;
- 12 39. Dr. Wild's knowledge of transactions regarding Soheyl Ghaemian;
- 13 40. Dr. Wild's knowledge regarding the status of the Indemnification Agreement
- 14 following execution of the Release and Settlement Agreement entered into with
- 15 Ms. Gunn;
- 16 41. Dr. Wild's knowledge of all individuals involved with negotiating the Release and
- 17 Settlement Agreement entered into with Ms. Gunn;
- 18 42. Dr. Wild's knowledge of the Indemnification Agreement executed by him in favor
- 19 of Ms. Gunn;
- 20 43. Dr. Wild's knowledge of all individuals involved with negotiating the
- 21 Indemnification Agreement executed by him in favor of Ms. Gunn;
- 22 44. Dr. Wild's knowledge of the guidance and services provided by Ms. Gunn during
- 23 their thirty year relationship;
- 24 45. Dr. Wild's knowledge of the amount of money Ms. Gunn saved Dr. Wild during
- 25 their thirty year relationship;
- 26 46. Dr. Wild's knowledge of the thirty-year personal and professional relationship with
- 27 Ms. Gunn;
- 28

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47. Dr. Wild's knowledge of being pursued by the German government for tax evasion to the extent related to any of the above topics;
48. Dr. Wild's knowledge of any banks accounts he holds or has held in the United States to the extent related to any of the above topics;
49. Dr. Wild's knowledge of wire transfers into bank accounts in the United States to the extent related to any of the above topics;
50. Dr. Wild's relationship with Mr. Hans-Rudolf Wild;
51. Dr. Wild's knowledge regarding Mr. Hans-Rudolf Wild's background;
52. Dr. Wild's opinion of Mr. Hans-Rudolf Wild's character for truthfulness;
53. Dr. Wild's knowledge regarding Mr. Hans-Rudolf Wild's reputation for truthfulness;
54. Dr. Wild's knowledge regarding specific instances in which Mr. Hans-Rudolf Wild has been truthful or untruthful;
55. Dr. Wild's conversations and/or communications with Mr. Hans-Rudolf Wild regarding Casun, the Woodside Property or this lawsuit;
56. Dr. Wild's knowledge of any contracts or agreements he has with Mr. Hans-Rudolf Wild;
57. Dr. Wild's relationship with Ms. Christine Drage;
58. Dr. Wild's knowledge regarding Ms. Christine Drage's background;
59. Dr. Wild's opinion of Ms. Christine Drage's character for truthfulness;
60. Dr. Wild's knowledge regarding Ms. Christine Drage's reputation for truthfulness;
61. Dr. Wild's knowledge regarding specific instances in which Ms. Christine Drage has been truthful or untruthful; and
62. Dr. Wild's conversations and/or communications, to the extent not protected by the attorney-client privilege, with Ms. Christine Drage regarding Casun, the Woodside Property or this lawsuit.

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63. Dr. Wild's testimony in this case (*i.e.*, cross-examination will be permitted during the second day of the deposition on any answer provided during the first day of the deposition).

Dr. Wild has executed a declaration indicating a willingness, under certain conditions, to be deposed on March 20 and 21, 2019, in Zug, Switzerland. See Declaration of Voluntary Appearance dated December 20, 2019, attached hereto as **Exhibit A** (indicating a willingness to appear for a deposition in Switzerland to be held in the period between (and including) March 20-26, 2019). As set forth in the Declaration of Voluntary Appearance, Dr. Wild's conditions are:

- (i) Any applicable provisions, rules or other measures imposed by Swiss law and/or the Hague Convention of 18 March 1970 on the taking of Evidence Abroad in Civil or Commercial Matters regarding the holding of depositions or otherwise obtaining evidence in Switzerland by a foreign authority will be strictly adhered to;
- (ii) Any approval required from any Swiss governmental authority to conduct such deposition will be obtained prior to the commencement of the deposition; and
- (iii) Upon [Dr. Wild's] request, the deposition will either be conducted in German or a German interpreter will be present to translate the questions and answers during the deposition.

Id.

As set forth in the Declaration of Voluntary Appearance, Dr. Wild is: (1) cooperating of his own accord; (2) knows that he cannot be subject to any coercive measures; (3) knows he cannot be forced to participate or to appear; and (4) knows that he has the right to invoke an exemption or a prohibition to give evidence provided for by either the laws of Switzerland or Nevada. Id. Notwithstanding the foregoing, Dr. Wild's deposition taking place in Switzerland is further permitted by this Court subject to the condition that Dr. Wild answers relevant questions asked by all counsel, including counsel for Ms. Gunn and Mr. Ponder. The Court has reserved the option to require Dr. Wild to appear for further deposition in Nevada if the conditions are not met.

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1           **G.     *Procedure for Obtaining Evidence***

2           If authorized, Dr. Wild's testimony will be obtained by the commissioners at the offices of  
3 a law firm in Zug, Switzerland, and will be under oath and recorded by video and stenography. As  
4 requested by Dr. Wild, the deposition will either be conducted in German or a German interpreter  
5 will be present to translate the questions and answers during the deposition.

6           **II.     OTHER REQUIREMENTS**

7           **A.     *Information Regarding the Deposition (if permitted)***

8           1.   Notice to the competent authority of the date and time the evidence will be taken

9           If permitted, Plaintiff's deposition of Dr. Wild will be conducted on March 20,  
10          2019. If permitted, Defendants'/Third-Party Plaintiff's deposition of Dr. Wild  
11          will be conducted on March 21, 2019.

12          2.   Notice to the persons from whom the evidence is sought

13          Dr. Wild will be given due notice (in German) of the fact that he is invited to  
14          give deposition testimony. Importantly, Dr. Wild has already consented to  
15          participate in the requested deposition. See Exhibit A.

16          **B.     *Fees and Costs***

17          Plaintiff will advance the reasonable copy costs and charges associated with the processing  
18          and handling of this request by the High Court of Zug. Defendant and Third-Party Plaintiff will  
19          reimburse Plaintiff for fifty percent (50%) of the costs and charges advanced. For the purpose of  
20          determining the court fees, the parties estimate the amount in dispute to be in excess of USD  
21          \$3,000,000.

22          **C.     *Reciprocity***

23          This Court expresses its sincere willingness to provide similar assistance to the courts of  
24          the Swiss Confederation, if future circumstances so require.

25          **III.    CONCLUSION**

26          This Court, in the spirit of comity and reciprocity, hereby requests international judicial  
27          assistance in the form of this Amended Letter of Request seeking the testimony described herein,  
28



1 from the High Court of Zug. This Court extends to all judicial and other authorities of the Swiss  
2 Confederation the assurances of its highest consideration.

3  
4 Dated: February 1, 2019



The Honorable GEORGE W. FOLEY, JR.  
UNITED STATES MAGISTRATE JUDGE,  
UNITED STATES DISTRICT COURT,  
DISTRICT OF NEVADA

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6  
7  
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9  
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KOLESAR & LEATHAM  
400 South Rampart Boulevard, Suite 400  
Las Vegas, Nevada 89145  
Tel: (702) 362-7800 / Fax: (702) 362-9472

# **EXHIBIT A**

**Dr. Hans-Peter Wild, Kirchenstrasse 4, 6300 Zug,  
Switzerland**

To  
Aaron R. Maurice, Esq.  
Kolesar & Leatham  
400 S. Rampart Blvd., Suite 400  
Las Vegas, NV 89145

**Zug, Switzerland, 20 December 2018**

Dear Mr. Maurice,

Reference is made to the proceedings filed by Casun Invest AG in United States District Court, District of Nevada, Case No. 2:16-cv-02925-JCM-GWF (*Case*).

I hereby confirm that I am prepared to voluntarily appear for a deposition in Switzerland to be held in the period between (and including) 20 March 2019 and 26 March 2019 initiated by the plaintiff, defendants or third-party plaintiff in the Case provided that:

- (i) Any applicable provisions, rules or other measures imposed by Swiss law and/or the Hague Convention of 18 March 1970 on the Taking of Evidence Abroad in Civil or Commercial Matters regarding the holding of depositions or otherwise obtaining evidence in Switzerland by a foreign authority will be strictly adhered to;
- (ii) Any approval required from any Swiss governmental authority to conduct such deposition will be obtained prior to the commencement of the deposition; and
- (iii) Upon my request, the deposition will either be conducted in German or a German interpreter will be present to translate the questions and answers during the deposition.

I hereby declare that by agreeing to and confirming the above:

- (i) I am cooperating of my own accord;
- (ii) I know that I cannot be subjected to any coercive measures;
- (iii) I know that I cannot be forced to participate or to appear; and
- (iiii) I know that I have the right to invoke an exemption or a prohibition to give evidence provided for by

Kind regards

  
Dr. Hans Peter Wild